

RESOLUTION NO. 74446

**A RESOLUTION OF THE COUNCIL OF THE
CITY OF SAN JOSE SETTING SCHEDULES
OF SANITARY SEWER SERVICE AND USE
CHARGES AND STORM SEWER SERVICE
CHARGES FOR FISCAL YEAR 2008 - 2009**

WHEREAS, Part 3 of Chapter 15.12 of Title 15 of the San José Municipal Code authorizes the setting of sanitary sewer service and use charges by resolution of the City and Council, and the collection of such charges for the purpose of deriving revenue for acquisition, construction, reconstruction, maintenance and operation of the sanitary sewer system of the City of San José, including the repayment of principal and interest on bonds and state and federal loans issued by, or made to, the City for construction or reconstruction of sanitary sewer facilities; and

WHEREAS, Part 6 of Chapter 15.16 of Title 15 of the San José Municipal Code authorizes the setting of storm sewer service and use charges by resolution of the City and Council, and the collection of such charges for the purpose of deriving revenue for acquisition, repair, rehabilitations, construction, reconstruction, operation and maintenance of the storm sewer system of the City of San José; and

WHEREAS, on April 27, 2007 public notices were mailed to property owners in the City advising them that on June 19, 2007, the San José City Council would be holding a public hearing to consider a storm sewer service and use charge and sanitary sewer rate increases for FY 2007-08 and authorization for up to two additional rate increases in FY 2008-09 and FY 2009-2010 on July 1, 2008 and July 1, 2009; and

WHEREAS, there was no protest by a majority of affected property owners to either the storm sewer or sanitary sewer service and use charge rate increase; and

WHEREAS, this Council wishes to implement increases to sanitary sewer service and storm sewer charges for Fiscal Year 2008-09 consistent with the notices that were provided to property owners;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. **Schedule of Sewer Service and Use Charges.**

The following sewer service and use charges are hereby established for fiscal year 2008-2009 for the premises listed below:

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|----|--|-------------------|
| A. | Single-family residential, if connected to the system prior to July 1, 2008 | \$325.08 per year |
| | Single-family residential, if connected to the system after July 1, 2008 | \$27.09 per month |
| B. | Two-family residential, multiple-family residential and residential condominiums, per unit, if connected to the system prior to July 1, 2008 | \$185.04 per year |
| | Two-family residential, multiple-family residential and residential condominiums, per unit, if connected to the system after July 1, 2008 | \$15.42 per month |
| C. | Mobilehome park residential, per unit, if connected to the system prior to July 1, 2008 | \$185.64 per year |
| | Mobilehome park residential, per unit, if connected to the system after July 1, 2008 | \$15.47 per month |

- D. Commercial, industrial or miscellaneous premises and commercial, industrial or miscellaneous condominium premises.

For each one hundred cubic feet of sanitary sewage and industrial waste discharged from said premises into the sanitary sewer system, the charge for premises collected on the tax roll shall be calculated by annualizing the estimated monthly discharge using the months of January, February and March preceding the fiscal year for which the charge is being calculated; provided, however, that for those premises that first discharge into the sewer system in April or May preceding the current fiscal year, the charge for the current fiscal year shall be calculated by annualizing the estimated monthly discharge for said month(s). The charge for the particular types of premises listed below shall be calculated by multiplying the yearly discharge (calculated in hundreds of cubic feet [HCF]) by the following amounts: ¹

| | |
|--------------------------|--------|
| Meat Packers | \$3.01 |
| Dairy Product Processors | \$4.39 |
| Wholesale Bakeries | \$3.68 |
| Soft drink Bottlers | \$3.62 |
| Wineries | \$6.58 |
| Paper Pulp Mills | \$4.81 |
| Plating Works | \$2.12 |

¹ Calculated by annualizing the estimated monthly discharge using the months of January, February and March preceding the fiscal year for which the charge is being calculated. Charges for facilities first discharging into the sewer system in April or May preceding the current fiscal year are calculated by annualizing the average discharge for those months.

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| Electrical Equipment Manufacturers | \$2.44 |
| Machinery Manufacturers | \$3.24 |
| Film Service Laboratories | \$2.41 |
| Soft Water Services | \$2.12 |
| Car Washes | \$2.28 |
| Automotive Steam Cleaners | \$4.38 |
| Printing Plants | \$3.11 |
| Restaurants-Delis | \$4.44 |
| Hotels-Motels | \$2.63 |
| Hospitals and Convalescent Homes | \$2.55 |
| Public Schools, Colleges and Universities | \$2.80 |
| Private Schools, Colleges and Universities | \$2.80 |
| Repair Shops and Service Stations | \$2.64 |
| Domestic Laundries | \$2.37 |
| Business Offices/Condos | \$2.43 |
| Government Agencies | \$2.43 |
| Medical Centers/Clinics | \$2.45 |
| Beauty Salons | \$2.56 |

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| Commercial and Department Stores | \$2.56 |
| Storage/Warehouses | \$2.49 |
| Health Care | \$2.56 |
| Theatres | \$2.64 |
| Association/Communities Services | \$2.43 |
| Business Parks | \$2.46 |
| Building Construction/Field Offices | \$2.46 |
| Parking Lots | \$2.36 |
| Gas Service Stations | \$2.60 |
| Auto Showrooms, Body Shops & Detail, and Trucking | \$2.77 |
| Manufacturing Paint Products | \$2.46 |
| Concrete Companies | \$2.46 |
| Paper Recovery | \$2.46 |
| General Manufacturing Industries | \$2.46 |
| Chemical Manufacturing | \$2.46 |
| Ice Plants | \$2.46 |
| Pubs | \$2.68 |
| Amusement Parks | \$2.60 |

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| Athletic/Fitness Clubs | \$2.49 |
| Cemeteries | \$2.49 |
| Country Clubs (Golf) | \$2.63 |
| Lounges, Clubs, Billiards | \$2.63 |
| Convenience Stores | \$2.49 |
| Boarding/Rooming | \$2.67 |
| Cleaners (Commercial Laundries) | \$3.09 |
| Plazas/Malls | \$2.83 |
| Nurseries (Growers) | \$2.94 |
| Laboratories (Commercial and Industrial) | \$2.87 |
| Cafés & Ice-creams | \$4.51 |
| Donuts & Bakeries | \$4.51 |
| Supermarket Groceries | \$4.35 |
| Mortuaries (Embalming) | \$4.35 |
| Catering | \$4.41 |
| Commercial, Industrial, Condominium or Miscellaneous premises other than mentioned above | \$2.43 |

The determination of the rate applicable to a mixed-use premise or other premises not expressly set forth hereinabove shall be that rate applicable to premises most nearly comparable thereto as determined by the City's Director of Environmental Services.

- E. Alternate charge for commercial, industrial or miscellaneous premises and commercial, industrial or miscellaneous condominium premises. Notwithstanding the foregoing provisions, if more than twenty-five thousand gallons of sewage per operating day are discharged into the sanitary sewer system from a commercial, industrial, or miscellaneous premises or commercial, industrial or miscellaneous condominium premises during three consecutive calendar months, or if the strength, the amount, or the nature of sewage discharged daily into the sanitary sewer system is intermittent or irregular and if, in either of the above situations, the City Engineer deems it feasible from an economic and/or engineering standpoint to measure the amount of biochemical oxygen demand, suspended solids and ammonia discharged from the said premises into the sanitary sewer system, an alternate monthly charge shall be applied in lieu of that contained above which shall be computed and based on the following:

Capital Cost Recovery

| | |
|--------------|--|
| \$106,680.00 | Per year for each million gallons per day of sewage treatment plant capacity required to treat the sewage discharged ² from said premises into the sanitary sewer system; plus |
| \$8,247.00 | Per year for each thousand pounds per day of sewage treatment plant capacity required to remove the biochemical oxygen demand contained in sewage discharged from said premises into the sanitary sewer system; plus |

² Flow capacity, calculated on the basis of the amount required for dry seasonal peak during July, August and September, is used for this calculation during wet weather months when dry seasonal industries are not operating. Flow related capital cost recovery for the dual usage of capacity is shared between the two users. To apply appropriate credit for cost sharing to the dry seasonal users, flow related annual capital charges (\$106,680.00 per MGD) are reduced by one-half (\$53,340.00 per MGD).

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| \$5,527.00 | Per year for each thousand pounds per day of sewage treatment plant capacity required to remove the suspended solids contained in the sewage discharged by said premises into the sanitary sewer system; plus |
| \$22,568.00 | Per year for each thousand pounds per day of sewage treatment plant capacity required to remove ammonia contained in the sewage discharged by said premises into the sanitary sewer system. |

Operating and Maintenance Cost Recovery

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| \$2,292.00 | For each million gallons of sewage discharged from said premises into the sanitary sewer system (\$1.714 per HCF); plus |
| \$200.00 | For each thousand pounds of biochemical oxygen demand discharged from said premises into the sanitary sewer system; plus |
| \$223.00 | For each thousand pounds of suspended solids discharged from said premises into the sanitary sewer system; plus |
| \$1,723.00 | For each thousand pounds of ammonia discharged from said premises into the sanitary sewer system. |

The decision as to whether to apply the alternate charge provided for in this section within a given fiscal year shall be made on or before July 1st of the fiscal year for which the charge is to be applied.

SECTION 2. Schedule of Storm Sewer Service Charges.

For all premises connected directly or indirectly to or served by the storm sewer system, storm sewer service charges are hereby established for fiscal year 2008 - 2009 for the premises listed below:

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| A. | Single-family residential and duplex, if connected to the system prior to July 1, 2008 | \$70.56 per year |
| | Single family residential and duplex, if connected to the system after July 1, 2008 | \$5.88 per month |
| B. | Mobile Home Residential, per unit, if connected to the system prior to July 1, 2008 | \$35.40 per year |
| | Mobile Home Residential, per unit, if connected to the system after July 1, 2008 | \$2.95 per month |
| C. | Small Multiple Family Residential (3- 4 units), if connected to the system prior to July 1, 2008 | \$134.04 per year |
| | Small Multiple Family Residential (3- 4 units), if connected to the system after July 1, 2008 | \$11.17 per month |
| D. | Residential Condominium, per unit, if connected to the system prior to July 1, 2008 | \$38.64 per year |
| | Residential Condominium, per unit, if connected to the system after July 1, 2008 | \$3.22 per month |
| E. | Large Multiple Family Residential (5 or more units), per unit, if connected to the system prior to July 1, 2008 | \$38.64 per year |
| | Large Multiple Family Residential (5 or more units), per unit, if connected to the system after July 1, 2008 | \$3.22 per month |
| F. | Open Space, annual charge if connected to the system prior to July 1, 2008 | \$124.08 -PLUS- \$68.76 per acre |
| | Open Space, monthly charge if connected to the system after July 1, 2008 | \$10.34 -PLUS- \$5.73 per acre |

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| G. | School, annual charge if connected to the system prior to July 1, 2008 | \$124.08 -PLUS- \$34.20 per acre |
| | School, monthly charge if connected to the system after July 1, 2008 | \$10.34 -PLUS- \$2.85 per acre |
| H. | Church, annual charge if connected to the system prior to July 1, 2008 | \$248.16 -PLUS- \$68.76 per acre |
| | Church, monthly charge if connected to the system after July 1, 2008 | \$20.68 -PLUS- \$5.73 per acre |
| I. | College/University, annual charge if connected to the system prior to July 1, 2008 | \$248.16 -PLUS- \$68.76 per acre |
| | College/University, monthly charge if connected to the system after July 1, 2008 | \$20.68 -PLUS- \$5.73 per acre |
| J. | Commercial, Light Industrial and Miscellaneous Premises, annual charge if connected to the system prior to July 1, 2008 | \$496.20 -PLUS- \$116.88 per acre |
| | Commercial, Light Industrial and Miscellaneous Premises, monthly charge if connected to the system after July 1, 2008 | \$41.35 -PLUS- \$9.74 per acre |

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| K. | Small Commercial, Light Industrial and Miscellaneous Premises, (under .2 acre), annual charge if connected to the system prior to July 1, 2008 | \$248.16 -PLUS- \$116.88 per acre |
| | Small Commercial, Light Industrial and Miscellaneous Premises, (under .2 acre), monthly charge if connected to the system after July 1, 2008 | \$20.68 -PLUS- \$9.74 per acre |
| L. | Heavy Industrial Premises, annual charge if connected to the system prior to July 1, 2008 | \$620.28 -PLUS- \$116.88 per acre |
| | Heavy Industrial Premises, monthly charge if connected to the system after July 1, 2008 | \$51.69 -PLUS- \$9.74 per acre |
| M. | Parking Facility, annual charge if connected to the system prior to July 1, 2008 | \$496.20 -PLUS- \$123.84 per acre |
| | Parking Facility, monthly charge if connected to the system after July 1, 2008 | \$41.35 -PLUS- \$10.32 per acre |

SECTION 3. **Effective Date.**

This Resolution shall become effective on July 1, 2008.

ADOPTED this 17th day of June, 2008, by the following vote:

AYES: CHIRCO, CHU, CORTESE, LICCARDO, NGUYEN,
OLIVERIO, PYLE, WILLIAMS, REED.

NOES: NONE.

ABSENT: CAMPOS, CONSTANT.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk